

ESTTA Tracking number: **ESTTA651316**

Filing date: **01/21/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Swatch AG (Swatch SA) (Swatch Ltd)
Granted to Date of previous extension	01/21/2015
Address	Jakob-Stampfli-Strasse 94 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Jeffrey A. Lindenbaum Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com Phone:914-941-5668
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### Applicant Information

Application No	86267771	Publication date	09/23/2014
Opposition Filing Date	01/21/2015	Opposition Period Ends	01/21/2015
Applicant	The Spark Agency, Inc. 6600 Manchester Ave. St. Louis, MO 63139 UNITED STATES		


### Goods/Services Affected by Opposition

Class 035. First Use: 2008/02/00 First Use In Commerce: 2008/02/00 All goods and services in the class are opposed, namely: Marketing and promotional services, namely, planning, conducting, and organizing mobile marketing exhibits, trade show exhibits, point of sale exhibits, and marketing displays for business meetings and business events for advertising purposes; Design of advertising multimedia presentations and themed graphics for use in marketing campaigns for others for trade shows, business meetings, business to consumer events, and business to business events
Class 040. First Use: 2008/02/00 First Use In Commerce: 2008/02/00 All goods and services in the class are opposed, namely: Custom manufacture of mobile marketing exhibits, trade show exhibits, exhibits for business to business events, and exhibits for business to consumer events
Class 042. First Use: 2008/02/00 First Use In Commerce: 2008/02/00 All goods and services in the class are opposed, namely: Design and development of websites for others


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Res Judicata; see attached Notice of Opposition

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1356512	Application Date	11/02/1984
Registration Date	08/27/1985	Foreign Priority Date	NONE
Word Mark	SWATCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1982/05/31 First Use In Commerce: 1982/05/31 WATCHES AND PARTS THEREOF		

U.S. Registration No.	1671076	Application Date	07/17/1990
Registration Date	01/07/1992	Foreign Priority Date	NONE
Word Mark	SWATCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1981/11/12 First Use In Commerce: 1981/11/12 watches, clocks and parts thereof		

U.S. Registration No.	1799862	Application Date	02/21/1992
Registration Date	10/19/1993	Foreign Priority Date	NONE
Word Mark	SWATCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1991/11/00 First Use In Commerce: 1992/03/20		

	retail store services; namely, retail shops featuring watches, watch parts and watch accesories
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Attachments	73506848#TMSN.png( bytes ) 74801004#TMSN.png( bytes ) Q1154_notice of opposition_150121.pdf(17492 bytes ) Ex A 512 Reg.pdf(37712 bytes ) Ex B 076 Reg.pdf(22546 bytes ) Ex C 862 Reg.pdf(37378 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeffrey A. Lindenbaum/
Name	Jeffrey A. Lindenbaum
Date	01/21/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

Applicant : The Spark Agency, Inc.  
Serial No. : 86/267,771  
Filed : April 30, 2014  
For : SWITCH  
Published : Sep. 23, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
Box TTAB-Fee  
P. O. Box 1451

**NOTICE OF OPPOSITION**

The Opposer, Swatch AG (Swatch SA) (Swatch Ltd.), a corporation duly organized and existing under the laws of Switzerland, located at Jakob-Stampfli-Strasse 94 Biel/Bienne Switzerland (referred to as “Opposer”) believes it would be damaged by the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

(1) Opposer is and has been engaged in the sale and marketing of goods and services under the SWATCH trademark since a time long prior to the date of first use alleged by Applicant in its application for registration and/or the filing date of its application.

(2) Opposer is and has been engaged in the sale and marketing in commerce of goods since 1982 under the trademark SWATCH. SWATCH has sold goods under its SWATCH trademark continuously since that time.

(3) Opposer is also the owner of numerous valid United States Trademark registrations (“SWATCH Marks”), including but not limited to:

SWATCH	Reg. 1,356,512
SWATCH	Reg. 1,671,076
SWATCH	Reg. 1,799,862

(See Exhibits A - C)

(4) Opposer's registrations are *prima facie* proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 USC 1057(b), and of the exclusive right to use the registered mark in commerce. Registrations 1,356,512, 1,671,076, and 1,799,862 are incontestable, pursuant to section 15 of the Trademark Act.

(5) Opposer has used its mark in commerce extensively and has acquired a considerable and valuable goodwill and wide-scale recognition for its mark. The public has come to associate the SWATCH Marks with Opposer and Opposer's goods. The SWATCH Marks have acquired distinctiveness.

(6) Applicant's mark is confusingly similar to Opposer's SWATCH Marks and is likely, when applied to the services of the Applicant, to cause confusion or mistake.

(7) Consumers encountering the Applicant's mark and services are likely to believe that such services originate from or are authorized or sponsored by the Opposer, in view of the wide scale fame of the Opposer's mark and the indistinguishable differences between Opposer's services and the Applicant's mark and services.

(8) Consumers hearing the Applicant's mark will likely confuse it with the Opposer's SWATCH Marks.

(9) The Opposer offers services under its SWATCH marks that are similar to Applicant's services. Opposer's services under the SWATCH marks include advertising and marketing services. Consumers would be likely to believe that the Opposer is the source of Applicant's services, or that Applicant's use of its mark would designate the Opposer as the source of those services.

(10) On information and belief, the Applicant has adopted its trademark with full knowledge of the Opposer's SWATCH Marks.

(11) Applicant's mark so resembles the SWATCH Marks, as used in the United States and not abandoned, as to be likely to cause confusion or mistake.

(12) The Opposer's SWATCH Marks are famous and distinctive trademarks.

(13) The Opposer's SWATCH Marks acquired fame before Applicant began use of its mark, or before it filed its application.

(14) On information and belief, the Applicant's mark is also likely to diminish and dilute the value and distinctive character of Opposer's mark, to the great detriment of the Opposer's famous SWATCH Marks, thus damaging the Opposer.

(15) On October 1, 2014, the United States Trademark Trial and Appeal Board (the "Board"), in Opposition No. 91190380, sustained Swatch's Opposition against Applicant's application no. 77/505,539 for the mark SW:TCH.

(16) The parties in this opposition proceeding (against application no. 86/267,771) are the same as the parties in Opposition No. 91190380.

(17) In Opposition No. 91190380, the Board held that Applicant's application no. 77/505,539 for the mark SW:TCH was not entitled to registration because there was a likelihood of confusion with Swatch's SWATCH mark.

(18) The services identified in application no. 77/505,539 are identical to the services identified in application no. 86/267,771, except that the services in application no. 86/267,771 have been expanded to: (a) identify that the design of advertising multimedia presentations and themed graphics is also for "business to consumer events" in Class 035; and (b) custom manufacture of exhibits also includes "exhibits for business to business events and exhibits for business to consumer events" in Class 040.

(19) The applicant's mark in application no. 77/505,539 has the same commercial impression as applicant's mark in application no. 86/267,771.

(20) The claims presented in this opposition are the based on the same set of transactional facts as those presented in the first action.

(21) Applicant's application no. 86/267,771 should be refused registration, and this Opposition should be sustained on grounds of *res judicata*, since the Board has already found a likelihood of confusion between Opposer's SWATCH mark and Applicant's SW:TCH mark for the same services, and the mark in application no. 86/267,771 has the same commercial impression as the mark in application no. 77/505,539.

**WHEREFORE**, Opposer prays that this application Serial No. 86/267,771 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted for Opposer,

By: /Jeffrey A. Lindenbaum/  
Jeffrey A. Lindenbaum  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Ossining, NY 10562  
914-941-5668 (tel)  
914-941-6091 (fax)  
jlindenbaum@collenip.com  
*Attorneys for Opposer, Swatch A.G.,  
(SWATCH SA) (SWATCH LTD)*

Dated: January 21, 2015

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED  
ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: /Jeffrey A. Lindenbaum/

Date: January 21, 2015

**CERTIFICATE OF SERVICE**

I, Jeffrey A. Lindenbaum, hereby certify that I caused true and correct copy of the foregoing Notice of Opposition to be served upon Applicant via its correspondent/attorney of record:

ANNETTE P. HELLER  
HELLER & ASSOCIATES  
400 CHESTERFIELD CTR STE 400  
CHESTERFIELD, MISSOURI 63017-4800  
tmattorneypto@aol.com

via first-class mail, postage pre-paid and email. Said service having taken place this 21<sup>st</sup> day of January, 2015.

/Jeffrey A. Lindenbaum/

EXHIBIT A

EXHIBIT A

**Generated on:** This page was generated by TSDR on 2015-01-21 12:49:09 EST

**Mark:** SWATCH

swatch

**US Serial Number:** 73506848

**Application Filing Date:** Nov. 02, 1984

**US Registration Number:** 1356512

**Registration Date:** Aug. 27, 1985

**Register:** Principal

**Mark Type:** Trademark

**Status:** The registration has been renewed.

**Status Date:** Sep. 19, 2005

**Publication Date:** Jun. 18, 1985

## Mark Information

**Mark Literal Elements:** SWATCH

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

## Related Properties Information

**Claimed Ownership of US Registrations:** 1227456, 1252863

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** WATCHES AND PARTS THEREOF

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 027

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 31, 1982

**Use in Commerce:** May 31, 1982

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** SWATCH S. A.

**Owner Address:** JAKOB-STAMFLI-STRASSE 94  
BIEL/BIENNE  
SWITZERLAND

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** JESS M. COLLEN

### Correspondent

**Correspondent:** JESS M COLLEN

Name/Address: COLLEN IP  
THE HOLYOKE-MANHATTAN BLDG  
80 S HIGHLAND AVE  
OSSINING, NEW YORK 10562  
UNITED STATES

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2011	NOTICE OF SUIT	
Mar. 25, 2011	NOTICE OF SUIT	
Nov. 12, 2010	NOTICE OF SUIT	
Sep. 19, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 19, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 18, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 09, 2005	ASSIGNED TO PARALEGAL	76293
Jul. 18, 2005	PAPER RECEIVED	
Feb. 24, 2003	PAPER RECEIVED	
May 10, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jan. 24, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 15, 1986	CANCELLATION TERMINATED NO. 999999	15213
Aug. 27, 1986	CANCELLATION DISMISSED NO. 999999	15213
Jan. 10, 1986	CANCELLATION INSTITUTED NO. 999999	15213
Aug. 27, 1985	REGISTERED-PRINCIPAL REGISTER	
Jun. 18, 1985	PUBLISHED FOR OPPOSITION	
May 17, 1985	NOTICE OF PUBLICATION	
Apr. 19, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 04, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 31, 1985	NON-FINAL ACTION MAILED	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 27, 2005

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Dec. 02, 2005

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: ETA S.A. FABRIQUES D'EBAUCHES

### Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0505/0269](#)

Pages: 2

Date Recorded: Sep. 13, 1985

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [ETA S. A. FABRIQUES D'EBAUCHES](#)

Execution Date: Aug. 15, 1985

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Assignee	
Name: <a href="#">SWATCH S. A.</a>	
Legal Entity Type: CORPORATION	State or Country Where Organized: SWITZERLAND
Address: 9, ROUTE DE BOUJEAN 2502-BIENNE, SWITZERLAND	

Correspondent	
Correspondent Name: MCGLEW AND TUTTLE	
Correspondent Address: 28 WEST 44TH ST. NEW YORK, NY 10036	

Domestic Representative - Not Found	
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Assignment 2 of 2	
Conveyance: ATTESTATION BY SUPERINTENDANT OF THE JOINT STOCK COMPANY, BIENNE, COMMERCIAL REGISTER SHOWING CHANGE OF ADDRESS ON NOV. 18, 1985 (IN FRENCH WITH ENGLISH TRANSLATION ATTACHED)	
Reel/Frame: <a href="#">0517/0992</a>	Pages: 3
Date Recorded: Feb. 18, 1986	
Supporting Documents: No Supporting Documents Available	

Assignor	
Name: <a href="#">SWATCH AG (SWATCH SA) (SWATCH LTD.)</a>	Execution Date: Dec. 11, 1985
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found

Assignee	
Name: <a href="#">SWATCH AG (SWATCH SA) (SWATCH LTD.)</a>	
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Address: 94 RUE JAKOB STAEMPFLI	

Correspondent	
Correspondent Name: MCGLEW AND TUTTLE	
Correspondent Address: 28 WEST 44TH ST. NEW YORK, NY 10036	

Domestic Representative - Not Found	
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## Proceedings

Summary	
Number of Proceedings: 25	

Type of Proceeding: Opposition	
Proceeding Number: <a href="#">91216391</a>	Filing Date: May 14, 2014
Status: Terminated	Status Date: Aug 26, 2014
Interlocutory Attorney: ELIZABETH A DUNN	

Defendant	
Name: Ventus Wireless	
Correspondent Address: VENTUS WIRELESS 10 NORDEN PL NORWALK CT , 06855-1452 UNITED STATES	
Correspondent e-mail: <a href="mailto:jkotran@ventusnetworks.com">jkotran@ventusnetworks.com</a>	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VENTUS WATCH	Abandoned - After Inter-Partes Decision	<a href="#">86106813</a>	

Plaintiff(s)	
Name: Swatch AG (Swatch SA) (Swatch Ltd.)	
Correspondent Address: JESS M COLLEN COLLEN IP INTELLECTUAL PROPERTY LAW PC THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE OSSINING NY , 10562 UNITED STATES	
Correspondent e-mail: <a href="mailto:jcollen@collenip.com">jcollen@collenip.com</a> , <a href="mailto:tgulick@collenip.com">tgulick@collenip.com</a> , <a href="mailto:docket@collenip.com">docket@collenip.com</a> , <a href="mailto:pmulhern@collenip.com">pmulhern@collenip.com</a>	

Associated marks			
Mark	Application Status	Serial Number	Registration Number

EXHIBIT B

EXHIBIT B

**Generated on:** This page was generated by TSDR on 2015-01-21 12:51:07 EST

**Mark:** SWATCH

<b>US Serial Number:</b> 74079220	<b>Application Filing Date:</b> Jul. 17, 1990
<b>US Registration Number:</b> 1671076	<b>Registration Date:</b> Jan. 07, 1992
<b>Register:</b> Principal	
<b>Mark Type:</b> Trademark	
<b>Status:</b> The registration has been renewed.	
<b>Status Date:</b> Feb. 23, 2012	
<b>Publication Date:</b> May 14, 1991	

## Mark Information

**Mark Literal Elements:** SWATCH  
**Standard Character Claim:** No  
**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** watches, clocks and parts thereof  
**International Class(es):** 014 - Primary Class  
**U.S Class(es):** 027  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Nov. 12, 1981  
**Use in Commerce:** Nov. 12, 1981

## Basis Information (Case Level)

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Swatch S.A.  
**Owner Address:** 94 Rue Jakob Stampfli  
Bienne  
SWITZERLAND  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

<b>Attorney Name:</b> Jess M. Collen	<b>Docket Number:</b> 21296
<b>Attorney Primary Email:</b> <a href="mailto:trademark@collenip.com">trademark@collenip.com</a>	<b>Attorney Email:</b> Yes

Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** Jess M. Collen  
THE HOLYOKE MANHATTAN BLDG  
80 S HIGHLAND AVENUE  
OSSINING, NEW YORK 10562-5615  
UNITED STATES

Phone: 9149415668

Fax: 9149416091

Correspondent e-mail: [trademark@collenip.com](mailto:trademark@collenip.com)Correspondent e-mail Yes  
Authorized:**Domestic Representative**

**Domestic Representative Name:** Jess M. Collen

Phone: 9149415668

Fax: 9149416091

**Domestic Representative e-mail:** [trademark@collenip.com](mailto:trademark@collenip.com)

Domestic Representative Yes  
e-mail Authorized:**Prosecution History**

Date	Description	Proceeding Number
Feb. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 23, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75461
Feb. 23, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Feb. 23, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Jan. 09, 2012	TEAS SECTION 8 & 9 RECEIVED	
Oct. 07, 2011	NOTICE OF SUIT	
Mar. 25, 2011	NOTICE OF SUIT	
Nov. 12, 2010	NOTICE OF SUIT	
Dec. 12, 2007	CASE FILE IN TICRS	
Mar. 01, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 01, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 28, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 28, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 08, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 07, 1992	REGISTERED-PRINCIPAL REGISTER	
May 14, 1991	PUBLISHED FOR OPPOSITION	
Apr. 12, 1991	NOTICE OF PUBLICATION	
Jan. 03, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 03, 1991	ASSIGNED TO EXAMINER	66582
Dec. 13, 1990	ASSIGNED TO EXAMINER	66728

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

Renewal Date: Jan. 07, 2012

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 23, 2012

**Proceedings**

Summary



EXHIBIT C

EXHIBIT C

**Generated on:** This page was generated by TSDR on 2015-01-21 12:53:13 EST

**Mark:** SWATCH

swatch

**US Serial Number:** 74801004

**Application Filing Date:** Feb. 21, 1992

**US Registration Number:** 1799862

**Registration Date:** Oct. 19, 1993

**Register:** Principal

**Mark Type:** Service Mark

**Status:** The registration has been renewed.

**Status Date:** Sep. 04, 2013

**Publication Date:** Jul. 27, 1993

## Mark Information

**Mark Literal Elements:** SWATCH

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

## Related Properties Information

**Claimed Ownership of US Registrations:** 1490111, 1664054, 1671076, 74248413 and others

**Child Of:** 74248413

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** retail store services; namely, retail shops featuring watches, watch parts and watch accesories

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 1991

**Use in Commerce:** Mar. 20, 1992

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** SWATCH SA

**Owner Address:** 94, rue Jakob Stampfli  
2501 Bienne  
SWITZERLAND

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jess M. Collen

**Docket Number:** 34470

Attorney Primary Email [trademark@collenip.com](mailto:trademark@collenip.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

**Correspondent Name/Address:** Jess M. Collen  
COLLEN IP INTELLECTUAL PROPERTY LAW, P.C.  
80 South Highland Avenue  
THE HOLYOKE-MANHATTAN BUILDING  
TOWN OF OSSINING, NEW YORK 10562  
UNITED STATES

**Phone:** 9149415668

**Correspondent e-mail:** [trademark@collenip.com](mailto:trademark@collenip.com)

**Correspondent e-mail** Yes  
**Authorized:**

#### Domestic Representative

**Domestic Representative Name:** Jess M. Collen

**Phone:** 9149415668

**Domestic Representative e-mail:** [trademark@collenip.com](mailto:trademark@collenip.com)

**Domestic Representative e-mail** Yes  
**Authorized:**

## Prosecution History

Date	Description	Proceeding Number
Sep. 04, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 04, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76985
Sep. 04, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Aug. 22, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	76985
Sep. 04, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Aug. 22, 2013	TEAS SECTION 8 & 9 RECEIVED	
Sep. 12, 2007	CASE FILE IN TICRS	
Sep. 06, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 06, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 23, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 23, 2003	PAPER RECEIVED	
Feb. 11, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 19, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 19, 1993	REGISTERED-PRINCIPAL REGISTER	
Jul. 27, 1993	PUBLISHED FOR OPPOSITION	
Jun. 25, 1993	NOTICE OF PUBLICATION	
May 05, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 1993	USE AMENDMENT ACCEPTED	
May 03, 1993	AMENDMENT TO USE PROCESSING COMPLETE	
Oct. 22, 1992	USE AMENDMENT FILED	
May 03, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 08, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 1992	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 29, 1992	DIVISIONAL PROCESSING COMPLETE	
Apr. 23, 1992	NON-FINAL ACTION MAILED	
Apr. 09, 1992	ASSIGNED TO EXAMINER	70428

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 19, 2013

## TM Staff and Location Information

## TM Staff Information - None

## File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 04, 2013

## Proceedings

## Summary

Number of Proceedings: 21

## Type of Proceeding: Opposition

Proceeding Number: [91216391](#)

Filing Date: May 14, 2014

Status: Terminated

Status Date: Aug 26, 2014

Interlocutory Attorney: ELIZABETH A DUNN

## Defendant

Name: Ventus Wireless

Correspondent Address: VENTUS WIRELESS  
10 NORDEN PL  
NORWALK CT , 06855-1452  
UNITED STATES

Correspondent e-mail: [jkotran@ventusnetworks.com](mailto:jkotran@ventusnetworks.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
VENTUS WATCH	Abandoned - After Inter-Partes Decision	<a href="#">86106813</a>	
Plaintiff(s)			

Name: Swatch AG (Swatch SA) (Swatch Ltd.)

Correspondent Address: JESS M COLLEN  
COLLEN IP INTELLECTUAL PROPERTY LAW PC  
THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE  
OSSINING NY , 10562  
UNITED STATES

Correspondent e-mail: [jcollen@collenip.com](mailto:jcollen@collenip.com) , [tgulick@collenip.com](mailto:tgulick@collenip.com) , [docket@collenip.com](mailto:docket@collenip.com) , [pmulhern@collenip.com](mailto:pmulhern@collenip.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
SWATCH	Renewed	<a href="#">73506848</a>	<a href="#">1356512</a>
SWATCH	Renewed	<a href="#">74079220</a>	<a href="#">1671076</a>
SWATCH	Renewed	<a href="#">74801004</a>	<a href="#">1799862</a>
SWATCH	Renewed	<a href="#">78124477</a>	<a href="#">2752980</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 14, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 14, 2014	Jun 23, 2014
3	PENDING, INSTITUTED	May 14, 2014	
4	NOTICE OF DEFAULT	Jul 09, 2014	
5	BD DECISION: SUSTAINED	Aug 26, 2014	
6	TERMINATED	Aug 26, 2014	

## Type of Proceeding: Opposition

Proceeding Number: [91216172](#)

Filing Date: May 01, 2014

Status: Terminated

Status Date: Aug 14, 2014

Interlocutory Attorney: ROBERT COGGINS

## Defendant

Name: Ventus Wireless

Correspondent Address: VENTUS WIRELESS  
10 NORDEN PL  
NORWALK CT , 06855-1452  
UNITED STATES

Correspondent e-mail: [jkotran@ventusnetworks.com](mailto:jkotran@ventusnetworks.com)